

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**March 24, 2015 - 9:00 A.M.**

**PRESENT:** COMMISSIONER LARRY A. ELLERTSON, CHAIR  
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR  
COMMISSIONER GREG GRAVES

**ALSO PRESENT:**

David Shawcroft, Civil Division Chief Deputy Attorney	Mark Brady, Assistant Personnel Director
Robert J. Moore, Utah County Deputy Attorney	Don Nay, Utah County Public Works Assoc. Director
Paul Jones, Utah County Deputy Attorney	Gary Ratcliffe, Utah County Surveyor
Bryan E. Thompson, Utah County Clerk/Auditor	Kim T. Jackson, Utah County Treasurer
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Sterling Brown, Utah Farm Bureau Federation
Julie Rollins, Utah County Purchasing Agent	Calvin Crandall, Utah Farm Bureau Federation
Brian Voeks, Utah County Commission Office	Garrick Hall, Utah Farm Bureau Federation
Bryce Armstrong, Community Development	Kenyon Farley, Kenyon Farley Orchards
Peggy Kelsey, Community Development	Jeanne Gomm, Utah County Arts Board
Brandon Larsen, Community Development	Dennis Marker, Santaquin City
Joshua K. Ivie, Community Development	Mark Sorenson, Payson City
Dr. Joseph K. Miner, Health Department Exec. Director	Larry Ballard, Utah County Resident
Ralph Clegg, Utah County Health Department	Helina Carter-Thomas, Spring Lake Resident
Ron Tobler, Utah County Health Department	Lewis Field, Spring Lake Resident
Richard Nance, Drug & Alcohol Prevention & Treatment	Robert McMullin, McMullin Orchards
Jeff Smith, Utah County Recorder	Clark Merkley, BoardDocs
Andrea Allen, Utah County Recorder's Office	Michal Gay Carter, -No further information given-
Jerry Monson, Utah County Sheriff's Office	Bill Ferguson, -No further information given-
Lieutenant Yvette Rice, Utah County Sheriff's Office	Dale A. Saunders, -No further information given-
BreAnn Wilkes, Utah County Sheriff's Office	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Robert J. Moore, Utah County Deputy Attorney

**PLEDGE OF ALLEGIANCE:** Mark Brady, Utah County Assistant Personnel Director

**PUBLIC COMMENTS**

Russ Fotheringham, Utah County Economic Development Manager of the Economic Development Corporation of Utah, came forward to read a letter related to an award present to Utah County. Mr. Fotheringham joked that the county has received so many awards, it is almost an embarrassment of riches. This one in particular is from Fourth Economy, an economic development consulting firm. Mr. Fotheringham read a letter from Fourth Economy Chief Executive Officer Rich Overmoyer congratulating Utah County on being the third leading mega-county (500,000 or more residents) in the entire United States (*a copy of which can be found attached to these minutes*). He explained how this recognition serves as a high-level benchmark for community stakeholders to gauge their capacity to attract and retain sustainable investment. Mr. Fotheringham presented the certificate to the Board, and Commissioner Ellertson commented on the team effort by all to make Utah County such a wonderful place.

Following public comments, the commissioners moved forward with the agenda as scheduled.

### **PUBLIC HEARING**

**PUBLIC HEARING FOR THE PROPOSED KENYON FARLEY AREA 1 AGRICULTURE PROTECTION AREA APPLICATION, SEC 30, T9S, R2E, SLB&M, 72.01 ACRES; MODIFICATIONS TO ADD TO THE PROPOSED AGRICULTURE PROTECTION AREA: BNH, 27.48 ACRES; KULTANI BRIARPATCH PLATINUM LIMITED PARTNERSHIP, 5.26 ACRES; AND HELINA CARTER-THOMAS, 9.028 ACRES; MODIFICATION TO EXCLUDE: PAYSON CITY MUNICIPAL CORPORATION AND PAYSON CITY POWER AND LIGHT, PROPOSED 40 FOOT WIDE RIGHT-OF-WAY EASEMENT APPROXIMATELY 40 FT. NORTH OF 12400 SOUTH ROAD (*Public Hearing set March 10, 2015*)**

Peggy Kelsey of the Utah County Community Development Office explained that two public hearings would be held today to discuss proposed agriculture protection areas submitted by Kenyon Farley. She presented a slide-show detailing the location of the Area 1 application in relation to Santaquin City, Payson City, and other already established agriculture protection areas. When Ms. Kelsey noted that state code does not require a buffer zone between the areas, Commissioner Lee pointed out that poorly managed fruit trees can adversely affect other crops. Bryce Armstrong of the Utah County Community Development Office clarified that the Land Use Ordinance has built-in requirements for raw ground development in order to protect agriculture from urban infringement. He confirmed for Commissioner Ellertson that the proposed area is surrounded by RA-5 Zone.

Peggy Kelsey went on to note a request from Payson City Corporation to exclude a 40-foot section along 12400 South from the proposed agriculture protection area for the future installment of a light and electric power line. The Utah County Public Works Department has also requested exclusions for a 66-foot right-of-way for a designated collector road along 12000 South, and a 96-foot right-of-way for an arterial road along 12400 South. Both roads currently have twenty-four feet of asphalt. Ms. Kelsey mentioned that a variance would be needed for the northern area if the excluded sections are granted, since the remaining agriculture protection area would be less than the required 40-acre minimum. She and Commissioner Ellertson discussed the definition of contiguous areas and deeded right-of-ways.

Peggy Kelsey noted the Utah County Planning Commission majority vote to approve the proposed agriculture protection area with the exclusion of the requested right-of-ways by Payson City and Utah County. The Utah County Agriculture Protection Advisory Board voted unanimously to approve the application, but not to approve the requested government exclusions. Commissioner Lee questioned why the Planning Commission would prefer the carved out areas while the Agriculture Board would vote to keep the area whole, despite the requested exclusions. Ms. Kelsey responded that the Agriculture Board found it necessary to not carve out the sections in order to protect the land, and also to not create a hardship for the applicant.

The applicant, Kenyon Farley, came forward. Mr. Farley summarized the Agriculture Protection Advisory Board had voted to approve the application as submitted, and stated his preference for that approval rather than the recommendation of the Planning Commission (to approve the agricultural protection area but exclude the requested right-of-ways from the protected area). Mr. Farley reviewed qualifications for Agricultural Protection: currently being used for agricultural production, zoned for agriculture use, is viable for agricultural use, and is available to agricultural improvement. Mr. Farley encouraged the Board to follow statute in considering whether his application is eligible for an agricultural protection area. He detailed the roads in the neighborhood, acknowledging government concern to plan for the future but also clarifying that those are hypothetical situations.

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Kenyon Farley went on to note his applications for agriculture protection were submitted to the county before Payson City held any meetings regarding proposed power lines in the area. He has also been working with the Strawberry Electric Service District. Future roads can be created once it becomes necessary, but Mr. Farley currently owns the land and pays taxes upon it; he should be permitted to farm it. Mr. Farley commented on neighborhood group efforts for fruit tree pest management.

Commissioner Ellertson clarified that should the Board grant the requested rights-of-way, Kenyon Farley would still own the land and could use it as desired. Mr. Farley partially agreed, stating it would be his until someone changed their mind. Commissioner Lee asked whether approving the easements would alter Mr. Farley's plans for the land, and Mr. Farley stated yes; it would be too much of an investment to farm land which may eventually be condemned.

Sterling Brown, Vice President of Public Policy for the Utah Farm Bureau, approached the bench. He explained agriculture protection laws were implemented by state legislature approximately twenty years ago to minimize or eradicate nuisance complaints against farms. While there are 16,000 farms in Utah, farmers and ranchers represent less than one percent of Utah County yet the county leads the state in agriculture production. Mr. Brown talked about how agriculture spurs on a viable sustainable industry and the balance between development and agriculture. He reminded the Board that protection areas are a mighty tool for a community that will be healthy for everyone.

Helina Carter-Thomas owns some of the property proposed to be included within the agricultural protection area. She commented on the county subdivision between her nine acres of land and the five acres belonging to her parents, clarifying that both properties meet the minimum acreage requirements for protection in Santaquin City. Ms. Carter-Thomas expressed her belief in private property rights, reiterating that Kenyon Farley meets statutory requirements for agricultural protection; another entity should not have the right to impose on his property. She pointed out confusion about the proposed Payson City road to be created on 12000 South versus 12400 South.

Helina Carter-Thomas addressed the detrimental impact the requested exemptions would have on irrigation for Kenyon Farley's property, specifically mentioning the interrupted use of land and the waste to satisfy a "maybe" situation. Commissioner Graves noted power lines already near the property, and Helina Carter-Thomas explained the difference between the current layout and the proposed changes to the land. Commissioner Graves pointed out a government entity could attempt to condemn the land whether or not an easement is in place, and Ms. Carter-Thomas countered that it would be more difficult for the city to do so if it is included within an agriculture protection area. She encouraged the Board to give Mr. Farley the advantage.

Calvin Crandall of the Utah Farm Bureau is a farmer and rancher in Springville. He requested the agriculture protection area be approved without the requested exemptions, stating the proposed road and power line are not yet definite. Mr. Crandall asked the Board not to tie the hands of Kenyon Farley, stating development can occur when needed later.

Bill Ferguson is a local fruit grower with experience serving on the Utah County Planning Commission. He recalled the time before agriculture protection areas existed, and spoke of approved areas between Santaquin City and West Mountain - there had been no discussion of easements and rights-of-way. Mr. Ferguson explained why fruit trees cannot be planted around power poles. Since the protection area is designed to minimize nuisance complaints, it does not make sense to remove certain sections of the submitted application; it would be too difficult to determine whether noise is coming from within or just outside of the protected region. Mr. Ferguson suggested the application be returned to the Planning Commission for further review, speaking of other proposed roads, overpasses, and freeway off-ramps. When Mr. Ferguson commented on the importance of sour cherries and pipelines, Commissioner Ellertson clarified that he is friendly towards agriculture. Mr. Ferguson stated he does not want to see urban sprawl abuse agricultural rights.

Peggy Kelsey reminded the commissioners that it would not be possible to return this application to the Utah County Planning Commission, as there is an April 17, 2015 deadline for a decision. She also noted the Board is not obligated to follow the Planning Commission's recommendation.

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Robert McMullin farms property west of Kenyon Farley's proposed agriculture protection area, and is in favor of the zone being approved without the requested exclusions. Mr. McMullin explained his stance based on giving farmers one more tool to negotiate with government and other entities that would have an interest in the land. Agricultural protection areas encourage government to protect farming in the southern portion of Utah County.

Dennis Marker came forward as a representative of Santaquin City on behalf of Mayor Kirk Hunsaker. Santaquin is in support of Kenyon Farley's application, as they want to protect local agriculture as a viable industry. Mr. Marker noted the protection would be for the farmers and also to stop government from interfering. He mentioned Pioneer Crossing in northern Utah County, noting that it was successfully re-routed in part because a farmer did not agree to sell their protected land. Mr. Marker repeated that agriculture is important, and while there are plans for future interchanges in the next thirty to forty years, that should not preclude protection now; those issues can be addressed as needed when the time comes.

Commissioner Ellertson asked whether the proposed agriculture protection area is within an annexation declaration, and Peggy Kelsey stated yes, outlining the locations on the map. Dennis Marker mentioned pending annexations for both Santaquin City and Payson City, and discussed with the commissioners potential complications. Commissioner Ellertson acknowledged Santaquin has been recognized by the state for including agriculture in their general plans.

Mark Sorenson came forward to represent the power and light department of Payson City. He expressed concerns about an impending 46kv transmission line, identifying the path it would take in relation to the proposed agriculture protection area. Mr. Sorenson provided copies of the 2040 Metropolitan Transportation Plan adopted by the Mountainland Association of Governments to each of the commissioners (*a copy of which can be found attached to these minutes*), providing a timeline of when the public would have had access to that same information. He emphasized that plans have been underway for the area since 2011, even if it does seem much further down the road. Payson has also been working with the Strawberry Electric Service District to address power regulations. Mr. Sorenson and Commissioner Ellertson discussed electricity distribution and impact on the roads compared to agriculture protection areas. Mr. Sorenson expressed a desire to minimize impact, noting that the requested exemptions may be able to overlap. He encouraged the Board to consider the importance of community planning.

Commissioner Graves asked whether the Mountainland Association of Governments plans would alter Payson City's plans if the impending power line was moved to 12000 South. Mark Sorenson replied consultants are actively reviewing all options. Property owners need to be identified before negotiations begins; the city would have to consider the additional factors.

Commissioner Lee summarized both sides of issue, asking whether Kenyon Farley would be willing to work with the city directly. Mark Sorenson stated negotiations would be much more difficult if the requested exemptions were to be included in the proposed agriculture protection area; rather than knocking on the door of the property owners, each step of the process would require involvement from boards and commissions. Commissioner Lee asked about alternate routes for the proposed power line, and Mr. Sorenson responded he does not know if there are other options - the alternatives may other have pre-existing circumstances.

Utah County resident Eldon A. Neves came forward in favor of the agriculture protection area being approved as submitted, without the requested exemptions, in order to strengthen the agriculture community. Peggy Kelsey confirmed the Utah County Planning Commission vote was 4-2 in favor of approving the application with the requested exclusions. The two 'nay' votes were on account of the members agreeing with the opinions expressed today: the agriculture protection area should be continuous over the entire property, and not interrupted.

## **PUBLIC HEARING**

**PUBLIC HEARING FOR THE PROPOSED KENYON FARLEY AREA 2 AGRICULTURE PROTECTION AREA APPLICATION, SEC 30, T9S, R2E, SLB&M, 28.779 ACRES; MODIFICATION TO EXCLUDE: PAYSON CITY MUNICIPAL CORPORATION AND PAYSON CITY POWER AND LIGHT, PROPOSED 40 FOOT WIDE RIGHT-OF-WAY EASEMENT APPROXIMATELY 40 FT. NORTH OF 12400 SOUTH ROAD (*Public Hearing set March 10, 2015*)**

Peggy Kelsey of the Utah County Community Development Office presented a slide-show detailing the location of the Kenyon Farley Area 2 Agriculture Protection Area application. She mentioned that it does not meet minimum acreage requirements and would need a variance defining it as contiguous to Area 1 if approved. There is a dwelling on this parcel and an access road. Both Utah County and Payson City have requested right-of-way exclusions from the protected area. Ms. Kelsey outlined the areas and mentioned one letter of protest received by her office. The Utah County Agriculture Protection Advisory Board voted unanimously to approve the application and variance, again with no requested government exclusions. The Utah County Planning Commission similarly voted as they had on Area 1, 4-2 in favor of approving the application with the requested exemptions.

This concluded the Public Hearings.

## **CONSENT AGENDA**

- 1. TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSAL OF KATHRYN ANN MCDANIEL, ET AL, FOR ELBERTA TOWNSITE SUBDIVISION, PLAT "C", BEING AN AMENDMENT OF LOTS 1, 2, 11 & 12 OF BLOCK 54, AND THE VACATION OF A PORTION OF THE ALLEY RUNNING THROUGH BLOCK 54, WHICH PORTION BEING IMMEDIATELY ADJACENT TO LOTS 1, 2, 11 & 12, ELBERTA TOWNSITE IN THE RURAL RESIDENTIAL (RR-5) ZONE, SECTION 8, T10S R1W, LOCATED AT APPROXIMATELY 14720 SOUTH AND WHITNEY AVE., ELBERTA AREA OF UTAH COUNTY; PROPOSED DATE: TUESDAY, MARCH 31, 2015, AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH**

The Board requested Consent Agenda Item No. 1 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

- 2. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN UNDERGROUND RIGHT OF WAY EASEMENT FOR PACIFICORP DBA ROCKY MOUNTAIN POWER ON PARCEL SERIAL NO. 14:058:0011 FOR A POWER LINE TO A LINDON CITY LIFT STATION**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20327, DATED MARCH 18, 2015**
- 4. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY SHERIFF'S OFFICE, AND THE SENIOR COMPANION PROGRAM**
- 5. APPROVE THE MINUTES OF THE MARCH 10, 2015 COMMISSION MEETING**

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**6. APPROVE THE MINUTES OF THE MARCH 17, 2015 COMMISSION MEETING**

The commissioners requested Consent Agenda Item No. 6 be continued to the next meeting of the Board.  
 CONTINUED TO MARCH 31, 2015

**7. RATIFICATION OF PAYROLL**

Period 6	2 Checks: \$ 1,998.60	1,116 Total Deposits: \$1,453,142.83	Total: \$1,455,141.43
		Federal Payroll Taxes	Total: \$ 219,576.38

**8. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 300	March 16, 2015	Check Nos. 205490-205501	Total: \$ 10,210.63
Register No. 301	March 16, 2015	Purchasing Cards 4315-4315	Total: \$ 321.35
Register No. 302	March 17, 2015	Check Nos. 205502-205559	Total: \$ 2,640.00
Register No. 303	March 17, 2015	Check Nos. 205560-205564	Total: \$ 2,539.43
Register No. 304	March 18, 2015	Check Nos. 205565-205572	Total: \$ 180.00
Register No. 305	March 18, 2015	Direct Deposit:21671-21671	Total: \$ 362.47
Register No. 306	March 18, 2015	Purchasing Cards 4316-4317	Total: \$ 731.74
Register No. 307	March 18, 2015	Purchasing Cards 4318-4322	Total: \$ 599.34
Register No. 308	March 18, 2015	Check Nos. 205573-205600	Total: \$ 52,503.37
Register No. 309	March 18, 2015	Purchasing Cards 4323-4509	Total: \$ 54,563.07
Register No. 310	March 19, 2015	Check Nos. 205601-205603	Total: \$ 117.48
Register No. 311	March 19, 2015	Direct Deposit:21672-21673	Total: \$ 226.58
Register No. 312	March 19, 2015	Purchasing Cards 4510-4511	Total: \$ 130.07
Register No. 313	March 19, 2015	Wires: 388-391	Total: \$ 927.03
Register No. 314	March 19, 2015	Purchasing Cards 4512-4522	Total: \$ 27,445.86
Register No. 315	March 19, 2015	Direct Deposit:21674-21703	Total: \$1,358,931.64
Register No. 316	March 19, 2015	Check Nos. 205604-205651	Total: \$ 164,074.13
Register No. 317	March 19, 2015	Wires: 392-392	Total: \$ 15.68
Register No. 318	March 19, 2015	Direct Deposit:21704-21707	Total: \$ 2,765.87
Register No. 319	March 19, 2015	Purchasing Cards 4523-4532	Total: \$ 9,154.53
Register No. 320	March 19, 2015	Check Nos. 205652-205664	Total: \$ 50,393.30
Register No. 321	March 19, 2015	Direct Deposit:21708-21708	Total: \$ 6,116.67
Register No. 322	March 20, 2015	Check Nos. 205665-205679	Total: \$ 47,698.00
Register No. 323	March 20, 2015	Direct Deposit:21709-21710	Total: \$ 380.65
Register No. 324	March 20, 2015	Check Nos. 205680-205705	Total: \$ 5,301.76
Register No. 325	March 20, 2015	Wires: 393-393	Total: \$ 219,576.38
Register No. 326	March 20, 2015	Direct Deposit:21711-21720	Total: \$ 787,887.81
Register No. 327	March 20, 2015	Check Nos. 205706-205719	Total: \$ 83,143.46
		<b>Total:</b>	<b><u>\$2,888,938.30</u></b>

Consent Agenda Item Nos. 2 through 5, and 7 and 8, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2014-329 WITH THE UTAH DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR THE WISEWOMEN CANCER PROGRAM**
- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2014-486 WITH THE UTAH DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR EBOLA MONITORING**

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5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 4 TO AGREEMENT NO. 2011-188 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND THE STATE OF UTAH DEPARTMENT OF HUMAN SERVICES, REMOVING THE CARE COORDINATION REQUIREMENT**
  
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF VACANCY ON THE ALPINE COVE WATER SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

**ACTIONS TAKEN**

**Consent Agenda Item No. 1** was **tabled** for further discussion; No. **2** was **ratified**; Nos. **3 and 5** were **approved**; No. **4** was **adopted**; No. **6** was **continued** to the March 31, 2015 meeting of the Board; and Nos. **7 and 8** were **ratified**. **Regular Agenda Item Nos. 3, 4, 5 and 10** were **approved and authorized**.

**AGREEMENT NOS.:** 2015-161, 2015-162, 2015-163 and 2015-164  
**RESOLUTION NO.:** 2015-51  
**VACANCY NO.:** 2015-2

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

1. **TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSAL OF KATHRYN ANN MCDANIEL, ET AL, FOR ELBERTA TOWNSITE SUBDIVISION, PLAT "C", BEING AN AMENDMENT OF LOTS 1, 2, 11 & 12 OF BLOCK 54, AND THE VACATION OF A PORTION OF THE ALLEY RUNNING THROUGH BLOCK 54, WHICH PORTION BEING IMMEDIATELY ADJACENT TO LOTS 1, 2, 11 & 12, ELBERTA TOWNSITE IN THE RURAL RESIDENTIAL (RR-5) ZONE, SECTION 8, T10S R1W, LOCATED AT APPROXIMATELY 14720 SOUTH AND WHITNEY AVE., ELBERTA AREA OF UTAH COUNTY; PROPOSED DATE: TUESDAY, MARCH 31, 2015, AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH**

The commissioners noted a date change for the Public Hearing, from March 31, 2015 to April 7, 2015.

**Commissioner Graves made the motion to set a Public Hearing for the proposal of Kathryn Ann McDaniel, et al, for Elberta Townsite Subdivision, Plat "C" as outlined on the agenda with the date change from March 31, 2015 instead to April 7, 2015, at 9:00 A.M. in Room 1400 of the Utah County Administration Building at 100 East Center Street in Provo, Utah. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

APPROVED WITH CHANGES

**REGULAR AGENDA**

The commissioners chose to address Regular Agenda Item Nos. 1 and 2 simultaneously, as they are directly related to each other.

- 1. APPROVE, MODIFY AND APPROVE, OR REJECT THE KENYON FARLEY AGRICULTURE PROTECTION AREA 1 APPLICATION WITH THE PROPOSED MODIFICATIONS LOCATED IN SECTION 30, T9S, R2E, SLB&M, IN THE SPRING LAKE AREA**

CONTINUED TO MARCH 31, 2015

- 2. APPROVE, MODIFY AND APPROVE, OR REJECT THE KENYON FARLEY AGRICULTURE PROTECTION AREA 2 APPLICATION WITH THE PROPOSED MODIFICATIONS LOCATED IN SECTION 30, T9S, R2E, SLB&M, IN THE SPRING LAKE AREA**

CONTINUED TO MARCH 31, 2015

Peggy Kelsey of the Utah County Community Development Office reminded the commissioners of impending deadlines, emphasizing that a decision on the applications must be made today or no later than the next meeting of the Board.

**Commissioner Graves made the motion to continue Regular Agenda Item Nos. 1 and 2 regarding the Kenyon Farley Agriculture Protection Area applications for the Spring Lake area for one week to the March 31, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH PASIFIKA FESTIVAL FOR USE OF THE COUNTY GROUNDS FOR THE 2015 UTAH PASIFIKA FESTIVAL TO BE HELD MAY 22-24, 2015**

Commissioner Ellertson noted that a site map had not been included with the agreement for Utah Pasifika Festival to use county grounds, and Utah County Public Works Associate Director Don Nay confirmed it had not yet been submitted by the organization but would most likely be the same areas used for previous festivals.

**Commissioner Graves made the motion to approve and authorize an agreement with Utah Pasifika Festival for use of the County grounds May 22 through May 24, 2015 as specified in Regular Agenda Item No. 6, subject to approval of a site map by the Utah County Public Works Department. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-166

- 7. AUTHORIZE BREANN WILKES TO ENTER INTO THE SHUTTERSTOCK WEBSITE TERMS OF USE AND TERMS OF SERVICE SINGLE USER STANDARD LICENSE ON BEHALF OF UTAH COUNTY FOR THE PREPARATION OF INFORMATIONAL VICTIM/WITNESS BROCHURES**

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Commissioner Graves noted the contract used the terms “euros” and “British pounds” when defining costs, and questioned conversion amounts. Cort Griffin and BreAnn Wilkes approached the bench, and Ms. Wilkes explained there would be a one-time payment of \$49.99 for the use of five images. Mr. Griffin addressed liability for print media, clarifying that the section about euros would not be applicable.

**Commissioner Graves made the motion to authorize BreAnn Wilkes to enter into the ShutterStock Website Terms of Use and Terms of Service Single User Standard License on behalf of Utah County for information victim/witness brochures as defined in Regular Agenda Item No. 7. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

APPROVED

**8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE CO-SPONSORSHIP OF THE UTAH COUNTY ARTS BOARD FOR 2015**

**Commissioner Graves made the motion to table Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

TABLED FOR FURTHER DISCUSSION

**9. APPROVE AND AUTHORIZE THE SIGNATURE OF THE COMMISSION CHAIR ON THE SETTLEMENT AGREEMENT RELATED TO CIVIL CASE NO. 2:11CV00652**

Commissioner Ellertson questioned the settlement dollar amount being due “within 14 days after the end of any appeals,” and Utah County Deputy Attorney David Shawcroft clarified that the appeals process is currently ongoing and therefore the date is not yet definite.

**Commissioner Lee made the motion to approve and authorize the Settlement Agreement related to Civil Case No. 2:11CV00652 as identified in Regular Agenda Item No. 9. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-167

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**12. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION  
STRICKEN**

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13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

STRICKEN

15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 12, 13, 14 and 15 to set dates, times, and locations for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves

NAY: None

11. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the Work Session portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves

NAY: None

SET

**WORK SESSION**

1. DISCUSSION OF IDEAS ON HOW TO BRING GREATER TRANSPARENCY TO THE MEETING AGENDAS OF THE BOARD OF COUNTY COMMISSIONERS

Commissioner Lee brought up a discussion which had taken place during an administrative meeting regarding public access to paperwork attached to the weekly Commission agendas. Commissioner Lee listed the document types he deemed appropriate to have available online for review - resolutions, ordinances, procurement rules and regulations, policy changes, board appointments, interlocal agreements, grant applications, and surety bond release letters - and asked the opinions of his fellow Board members. Commissioner Graves stated he is against the idea because once something

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is on the Internet, there is no control mechanism for distribution. The Board is constantly updating agenda items such as the minutes before they are approved during meetings, and resolutions which approve volunteers could be considered private personnel records. Commissioner Graves also questioned county liability if confidential items are published. All of these concerns would also effect the timeliness of posting the agenda.

Commissioner Ellertson noted the Board is considering options, and Commissioner Lee suggested following the state legislative website model. Commissioner Lee explained that the public has access to documents even in their draft forms which are continually amended and updated. Ordinances would be considered obvious public documents, and Commissioner Lee does not anticipate privacy issues for board appointments. Commissioner Ellertson countered that not all action taken by the Board of Commissioners is legislative, as in the example of the state website. He acknowledged that the process may be improved by inviting input before the Board votes.

Commissioner Lee also mentioned that when items are moved from the Regular Agenda to Consent Agenda without discussion during open meetings, the public may be confused. Commissioner Graves responded that the information is available online within a few days after approval, either on the county website, by contacting the Board directly, and by submitting GRAMA (Governmental Records Access and Management Act) requests. Commissioner Lee reiterated that the public cannot accurately be involved if the information is not available until after the voting takes place. Commissioner Graves encouraged that finances and ordinances should be available, but repeated his concerns regarding other documents. Commissioner Ellertson added that these meetings occur to complete the business of the county; the Board has allowed a public comment process, but it is by no means required to do so.

This concluded discussion of most scheduled agenda items, and the meeting recessed at 11:00 A.M. to go into closed sessions. The public meeting reconvened at 11:41 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 8 for discussion.

### **REGULAR AGENDA**

#### **8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE CO-SPONSORSHIP OF THE UTAH COUNTY ARTS BOARD FOR 2015**

Utah County Arts Board President Jeanne Gomm came forward. Commissioner Ellertson explained that the commissioners are uncomfortable with the general nature of the Arts Board budget; it is too broad and not specific enough. The commissioners would like the Arts Board to provide additional details, but there is no guarantee that the entire budget will be funded. There are questions regarding the food and publicity portions of the Arts Board requests. Commissioner Ellertson mentioned the county financial contribution used to be less, and was primarily to fund awards and events throughout the year. The commissioners would also like to recognize the monthly changing of the art display in the Utah County Health and Justice Building with an agreement.

Commissioner Ellertson asked for an updated budget to be provided to the Board before March 31, 2015. Commissioner Graves reiterated the importance of details and clarity, and Commissioner Lee noted the budget breakdown of \$4,715 yet the Arts Board is requesting \$5,000. Commissioner Lee acknowledged the passion of the Arts Board, encouraging them to seek more community involvement and depend less on the county as a funding source.

**Commissioner Graves made the motion to continue Regular Agenda Item No. 8 regarding the co-sponsorship of the Utah County Arts Board for 2015 for one week to the March 31, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

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**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

CONTINUED TO MARCH 31, 2015

\*Please refer to the final page of these minutes for additional notations.

The open meeting recessed a second time at 11:48 A.M. to go back into a closed session. The public meeting reconvened again at 12:18 P.M.

**Commissioner Lee made the motion to adjourn the March 24, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 12:18 P.M. The minutes of the March 24, 2015 Commission meeting were approved as transcribed on April 21, 2015.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

**\*Regular Agenda Item No. 8:**

The commissioners removed Regular Agenda Item No. 8 from the table following closed meetings, and voted unanimously to continue discussion for one week to the March 31, 2015 meeting of the Board.

Copies available on the Utah County website at [www.utahcounty.gov](http://www.utahcounty.gov)  
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant